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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-1873-2019

Date of decision-10.12.2019

Charan Dass

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nand Lal Sammi, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner-Charan Dass has filed this petition under Article 226 of the Constitution of India for the issuance of a writ in the nature of Habeas Corpus for release of the alleged detenues mentioned in para 3 of the petition, who are alleged to be in the illegal custody of private respondents. It is further prayed that a warrant officer be also appointed.

Learned counsel for the petitioner contends that the persons mentioned in para 3 of the petition are in illegal detention of respondent Nos.5 to 7 who were engaged for work at the brick kiln on 10.10.2019 along with petitioner. He contends that the employer has not provided the proper amenities to the workers and the work done by them is not being properly noted. According to the pleadings in the petition, the workers are being paid less amount after 15 days in the months for their livelihood. He submits that the warrant officer be appointed for release of detainee(s).

During the course of hearing, it is not disputed by learned

counsel for the petitioner that petitioner was also employed with the alleged detenu(s) and worked there along-with them. He submits that the petitioner left the place of work on 08.12.2019 and filed this petition on 09.12.2019. The petition was taken up for hearing on 09.12.2019, however, the counsel prayed for adjournment and the matter was fixed for today.

Mr. Sammi, Advocate does not dispute this fact that the petitioner did not give any representation to the District Magistrate and has straightway filed this petition to invoke extraordinary writ jurisdiction of this Court. As per the pleadings in para 5 of the petition, the employer paid small amount for their livelihood after every 15 days in the month. It may be added here that the petitioner is not related to the alleged detenues.

Considering the averments made in the petition, this Court does not find any reason to invoke the extraordinary writ jurisdiction as the pleadings do not inspire confidence.

At this stage, learned counsel for the petitioner has placed reliance upon the judgments passed by this Court in LPA No.32 of 2013, titled as “**Murti Vs. State of Punjab and others**” and another judgment passed in CRWP-1061-2019, titled as “**Vikas Vs. State of Haryana and others**”.

A perusal of the above judgments reveals that this Court had issued the directions to the District Magistrate to treat the writ petition as representation and to decide the claim, however, the said prayer was neither pleaded in the petition nor any such prayer was made during the course of arguments as the learned counsel for the petitioner insisted for appointment

of Warrant Officer for release of detenu(s).

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

10.12.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No